Section V: Practical Application of Key Terms

Question 21:

Please describe how the term **national court** is applied under your system (i.e. does it apply to any national court, or is it limited to certain national courts such as your own and/or or the national courts of the buyer/borrower country)	
Australia	The term 'national court' is not used in the Australian legal/judicial system. Therefore, where EFIC has used this term, it was because it was taken from the OECD's Recommendation, when documentation was revised to implement the Recommendation. EFIC would likely interpret/construe this term in the widest possible sense consistent with the OECD's Recommendation.
Austria	The term "national court" is applied to any national court in any country of the world.
Belgium	It applies to any national court.
Canada	Any court of any jurisdiction.
Czech Republic (EGAP)	National court is a court of own country and the court of buyer/borrower country.
Czech Republic (CEB)	Both Czech court as well as the national courts of the buyer/borrower country.
Denmark	A court in any country in the world with a legal system that we can accept, that has the power to judge over the whole country and not being just a regional court or a court that is not accepted by the government of that state.
Finland	The term national court means any national court, in any country in the world, with a legal system that is generally and legally acceptable. It has to be a court that has jurisdiction over the whole respective country and not just a regional court that is not accepted by the government of that state.
France	Le demandeur a l'obligation de déclarer les poursuites dont il a fait l'objet devant un tribunal national (quel qu'il soit). Si Coface a connaissance de poursuites concernant le demandeur devant un tribunal d'un pays tiers ou du pays du débiteur, ces éléments pourront constituer un indice de corruption susceptible de mettre en œuvre la procédure de vigilance renforcée.
Germany	The term "national court" is applied to any national court in any country.
Greece	"National Court" means any court of Justice of any instance, whether civil, criminal or administrative in any country in the world.
Hungary (MEHIB)	On our Declaration forms we do not make any distinction among courts.
Hungary (Eximbank)	On our Declaration forms we do not make any distinction among courts.
Italy	National court is intended as any domestic court of any level and grade; however SACE requires the applicants / exporters to declare, at the time of application, if they have been in charge / convicted during last 5 years in any court, no matter the nationality.
Japan (JBIC)	We interpret the term national court as courts in Japan
Japan (NEXI)	The term national court means Japan's court.
Korea (Eximbank)	The term national court applies to any national court in our country or the buyer/borrower's country.
Korea (K-sure)	National Court' is regarded as 'a court in KOREA'.
Luxembourg	The term "national court" applies to any court, be it Luxembourg Court or any foreign national court.

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Mexico	In the context of the Mexican Legal System are considered **National Court**, the "*Ministerio Público*" and the federal and local Courts.
Netherlands	The term national court means any national court, in any country in the world, with a legal system that is generally and legally acceptable. It has to be a court that has jurisdiction over the whole respective country and not just a regional court that is not accepted by the government of that state.
New Zealand	The term national court is interpreted to be any court of nationwide jurisdiction in any country.
Norway	Applies to any national court. Other courts than the well known will be evaluated on a case by case basis.
Poland	Our meaning of "national court" is a court where any sentenced entrepreneur is domiciled. We adopted the rule that a sentence of any court domiciled in Poland is applied in our procedure. In addition any foreign court`s sentence could be recognized in case of bribery involved within loan agreement.
Portugal	National court means any court legally and generally established in any country such as our own and /or courts in the buyer/borrower country.
Slovak Republic	The term national court means any national court with a legal system generally and legally acceptable, not only our national court or the national court of the buery/borrower country.
Spain	The term "national court" is applied to any national court in any country of the world.
Sweden	National court is a court having a nationwide jurisdiction approved by the central government of the country concerned.
Switzerland	The term national court applies to any court in Switzerland or abroad.
Turkey	The article 2 of the self-declaration requested from the exporters define the "national court" as "Turkish or foreign national court".
United Kingdom	For the purposes of the declarations given by exporters/applicants in applications ECGD interprets the term "national court" to mean the national court of the relevant ECA, so for ECGD this would be a court in the United Kingdom.
United States (EXIM)	National court is interpreted broadly to include national courts beyond those of the United States and the buyer/borrower's country.
United States (USDA)	National court is interpreted broadly to include national courts beyond those of the United States and the buyer/borrower's country.